

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RUFUS EDWARD JONES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-04745-JPH-DLP
)	
PROPST, et al.)	
)	
Defendants.)	

Order Directing Treatment of Plaintiff's Motion as a Notice of Appeal

The Court entered final judgment in this action on March 29, 2022. Dkt. 70. On April 20, 2022, plaintiff Rufus Edward Jones filed a motion requesting that the order be certified as final and appealable. His motion states: "Plaintiff is putting the court on 'notice' that he is appealing the court's final judgment." Dkt. 74 at 2.

Federal Rule of Appellate Procedure 3(c)(1) states that a Notice of Appeal must name the party taking the appeal, designate the judgment or order being appealed, and name the court to which the appeal is taken. When "a document filed within the time specified by Rule 4 gives the notice required by Rule 3, it is effective as a notice of appeal." *Smith v. Barry*, 502 U.S. 244, 248-49 (1992). "When a party proceeds *pro se* . . . [the Court] will, if possible, liberally construe his actions to find Rule 3's requirements satisfied." *Smith v. Grams*, 565 F.3d 1037, 1041 (7th Cir. 2009).

Mr. Jones clearly states that he wishes to appeal the Court's order granting the defendants summary judgment. Although he does not explicitly state the Court to which the appeal is taken, the Court "can infer that [the plaintiff] intended to appeal to th[e] [Seventh Circuit], the 'only

available forum." *Abrahamson v. Illinois Dept. of Fin. & Prof. Regulation*, 594 Fed. Appx. 307, 310 (7th Cir. 2014) (quoting *Smith*, 565 F.3d at 1042).

Accordingly, the clerk is **directed** to update the docket to reflect that the plaintiff's motion, dkt. [74], is a Notice of Appeal and to treat it as such. The clerk **shall terminate** the motion on the docket.

SO ORDERED.

Date: 4/28/2022



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

RUFUS EDWARD JONES
286965
PLAINFIELD - CF
PLAINFIELD CORRECTIONAL FACILITY
Inmate Mail/Parcels
727 MOON ROAD
PLAINFIELD, IN 46168

William A. Hahn
WILLIAM HAHN LAW LLC
Williamhahnlawllc@gmail.com